

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

No. 7:04-CR-00063-F-1
No. 7:12-CV-00231-F

JOHN LEWIS DILLAHUNT, JR.,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

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ORDER

This matter is before the court on John Lewis Dillahunt, Jr.'s Motion to Reopen [DE-36].

In his Motion to Reopen, Dillahunt asserts that his § 2255 motion was addressed by the Magistrate Judge in a Memorandum and Recommendation ("M&R") and this court entered an adoption order without him receiving service of either filing. Mot. Reopen [DE-36] at 1. Dillahunt requests that this court allow him to file objections to the Magistrate Judge's M&R or reopen the time for him to file a notice of appeal. *Id.* at 2.

Dillahunt is advised that the reason he did not receive service of the Magistrate Judge's M&R or the court's adoption order is because his attorney, Devon Donahue with the Federal Public Defender's Office, received service. Because Dillahunt's attorney received service of the court's filings, Dillahunt's Motion to Reopen [DE-36], which is based on a lack of service of the M&R and adoption order, must be DENIED. The Clerk is DIRECTED to serve Dillahunt with a copy of Judge Jones's April 21, 2015 M&R [DE-33] and the court's adoption order [DE-34]. Dillahunt is DIRECTED to file his objections to the Magistrate Judge's M&R and this court's adoption order in the form of a Motion for Reconsideration.

SO ORDERED.

This, the 18 day of November, 2015.

James C. Fox
JAMES C. FOX
Senior United States District Judge